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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund,
LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR
FEBRUARY 21, 2008 HEARINGS**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

9:30 a.m.

1. Adv. 06-01146, USA Commercial Mortgage Company v. Wells Fargo Bank, NA, et al, **Status Hearing Re: Amended Complaint for Interpleader** Filed by DAVID W. HUSTON on behalf of USA COMMERCIAL MORTGAGE COMPANY against all defendants (HUSTON, DAVID) [DE 54]

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Answer Filed: Answer to Amended Complaint *by Tomlin Trust*; Cross claim by
11/30/2006 Tomlin Trust, Donald S and Dorothy Tomlin Trustees against
JOHN ROBERT MALLIN, MARIE THERESA MALLIN,
GEORGE J. MOTTO Filed by GEORGE C LAZAR on behalf of
Tomlin Trust, Donald S and Dorothy Tomlin Trustees [DE 75]

12/04/2006 Answer to Amended Complaint Filed by C RANDALL BUPP
ESQ on behalf of PORTER A HURT [DE 79]

2/6/2008 Response with Certificate of Service of PLATINUM
PROPERTIES 1, INC. Successor in Interest to Claims of Marietta
S. Von Berg, Trustee, Re Status Report Filed February 6, 2008
and Request for Disbursement of Funds from Court Registry Filed
by JAMES D. GREENE on behalf of PLATINUM PROPERTIES
1, INC. [DE 145]

2/1/2008 Adv. No. 06-01167.
Notice of Hearing/Motion with Certificate of Service Hearing
scheduled 3/25/2008 at 10:30 AM at LBR-Courtroom 1, Foley
Federal Bldg.. Filed by GEORGE D FRAME on behalf of JOHN
DUTKIN (Related document(s)[330] Motion for Summary
Judgment [DE 331]

2/1/2008 Adv. No. 06-01167.
Motion for Summary Judgment And For Order Of Directing
Release Of Funds , Filed by GEORGE D FRAME on behalf of
JOHN DUTKIN [DE 330]

2/4/2008 Adv. No. 06-01167.
Stipulation and Order for Settlement as Between JOHN DUTKIN,
TRUSTEE OF THE JOHN DUTKIN REVOCABLE LIVING
TRUST DATED 1/17/00 and FIRST TRUST COMPANY OF
ONAGA, CUSTODIAN OF KAREN S. MOBERLY IRA [DE
333]

2/7/2008 Adv. No. 06-01167.
Request for Special Notice with Certificate of Service Filed by
ZACHARIAH LARSON on behalf of JAMES FEENEY [DE
336]

1 2/7/2008 Adv. No. 06-01167.
2 Limited Opposition with Certificate of Service to JOHN
3 DUTKIN's Motion For Summary Judgment and For Order
4 Directing Release of Funds Filed by LENARD E.
5 SCHWARTZER on behalf of USA CAPITAL FIRST TRUST
6 DEED, USA COMMERCIAL MORTGAGE COMPANY [DE
7 337]

6 **Related Event:** *Status Report* Filed by ROB CHARLES on behalf of USACM
7 2/06/2008 LIQUIDATING TRUST

8 **Status:** Hearing continued from 12/15/2006; 2/15/2007; 3/15/2007;
9 3/27/2007; 7/27/2007; and 12/14/2007.

10 2. **Objection to Claim 792 of Copper Sage Commercial Center LLC in the**
11 **Amount of \$3,500,000.00 with Certificate of Service** filed by ROB CHARLES on behalf
12 of USACM LIQUIDATING TRUST [DE 3077]

12 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*
13 3/13/2007 *Liquidating Trust Objections to Proofs of Claim and Motions to*
14 *Classify Claims* Filed by ROB CHARLES on behalf of USACM
15 LIQUIDATING TRUST [DE 3082].

16 **Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN
17 4/19/2007 WILLIAMS SCANN on behalf of COPPER SAGE COMMERCE
18 CENTER [DE 3502]

17 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Copper
18 4/24/2007 Sage Commercial Center LLC *to Continue Hearing on Objection*
19 Filed by ROB CHARLES on behalf of USACM LIQUIDATING
20 TRUST [DE 3537]

21 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
22 4/24/2007 Objection to Claim 792 of COPPER SAGE COMMERCIAL
23 CENTER LLC [DE 3543]

22 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Copper
23 12/10/2007 Sage Commercial Center LLC *to Continue Hearing on Objection*
24 Filed by ROB CHARLES on behalf of USACM LIQUIDATING
25 TRUST [DE 5460]

24 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
25 12/11/2007 Objection to Claim 792 of COPPER SAGE COMMERCIAL
26 CENTER LLC [DE 5473]

Status: The Court approved a stipulation to continue the hearing to May 8, 2008 at 9:30 a.m. [DE 5849] with an Order entered on February 19, 2008 [DE 5872]

3. **Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in the amount of \$2,048,000.00 with Certificate of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3078]

Related Filing: Declaration Of: Edward M. Burr *in Support of USACM Liquidating Trust Objections to Proofs of Claim and Motions to Classify Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3082].

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3485]

Related Filing: Order Approving Stipulation to Continue the Hearing on Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILL [DE 3519]

Reply Filed: Reply to *Objection of the USACM Liquidating Trust to Proof of Claim File by Lerin Hills LTD (Claim No. 203 & 1279)* Filed by MARJORIE A. GUYMON on behalf of MOUNTAIN WEST MORTGAGE, LLC [DE 3904]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4962]

Related Event: Order Approving Stipulation to Continue the Hearing on Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILLS [DE 4965]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5448]

Related Event: Order Approving Stipulation to Continue the Hearing on Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILLS [DE 5467]

Status: The Court approved a stipulation to continue the hearing to May 8, 2008 at 9:30 a.m. [DE 5848] with an Order entered on February 19, 2008 [DE 5874]

4. **Status Hearing Re: Omnibus Objection to Claim of Claimants on Exhibit A in the amount of (*Second Omnibus Objection to Claims Asserting Priority Status Pertaining to Rieger Only – Claim No. 10725-01739*)** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3259]

Related Event: Order Scheduling Hearing on 12/20/2007 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg [DE 5337]

Status: Hearing continued from 4/26/2007; 6/15/2007; 10/15/2007; 12/14/2007; and 12/20/2007. The USACM Trust believes that the court resolved the only outstanding item related to this objection when it denied the related motion for summary judgment as it pertained to Larry and Patsy Revocable Trust Dtd 8/14/91 [DE 5812]

5. **Objection to Claim 1279 of Lerin Hills Ltd** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3080]

Opposition Filed: None

Related Filing: Declaration Of: Edward M. Burr *in Support of USACM Liquidating Trust Objections to Proofs of Claim and Motions to Classify Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3082].

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and LERIN HILLS LTD *Continuing Hearing On Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3392]

Related Filing: Order Approving Stipulation to Continue the Hearing on Objection to Claim 1279 of LERIN HILLS LTD. [DE 3393]

Reply Filed: *Reply to Objection of the USACM Liquidating Trust to Proof of Claim File by Lerin Hills LTD (Claim No. 203 & 1279)* Filed by MARJORIE A. GUYMON on behalf of MOUNTAIN WEST MORTGAGE, LLC [DE 3904]

Stipulation Filed: Second Stipulation By USACM LIQUIDATING TRUST and Lerin Hills Ltd. *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3947]
6/11/2007

Related Filing: Order Approving Second Stipulation to Continue the Hearing on Objection to Claim 1279 of LERIN HILLS LTD. [DE 3955]
6/12/2007

Stipulation Filed: Stipulated Motion to Continue/Reschedule Hearing *on Second Omnibus Objection to Claims Asserting Priority Status re Claim 1279 of Lerin Hills* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4050]
6/25/2007

6/26/2007 Stipulation Setting Hearing on Second Omnibus Objection to Claims Asserting Priority Status Re Claim 1279 of LERIN HILLS [DE 4060]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Lerin Hills Ltd. *to Continue Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4959]
10/10/2007

Related Event: Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD. [DE 4968]
10/11/2007

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Lerin Hills *to Continue Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5444]
12/06/2007

Related Event: Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD. [DE 5454]
12/10/2007

Status: The Court approved a stipulation to continue the hearing to May 8, 2008 at 9:30 a.m. [DE 5851] with an Order entered on February 19, 2008 [DE 5870]

6. **Motion for Summary Judgment Regarding (1) Responses To The USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

Related Filings: The only unresolved claims are those filed by the Dutkin Trust as follows:

Response Filed: Response with Certificate of Service & *Objection of USA COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN TRUST Asserting Secured Status* Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 4628]

8/17/07

9/14/2007 Supplemental *Statement of Facts in Support of Motion for Summary Judgment Regarding (1) Responses to the USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a Secured Status; (2) Responses to USACM Trust's First through Third Omnibus Objections to Claims Asserting a Priority Status; and (3) Newly Alleged Secured and Priority Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4811]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and John Dutkin, Trustee to *Continue Hearing* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5443]

12/05/2007

Related Event: Order Approving Stipulation to Continue the Hearing on Motion for Summary Judgment Re DUTKIN's Claim [DE 5451]

12/10/2007

Related Event: Order Requiring Supplemental Briefing on the USACM TRUST's Eighth Omnibus Objection to Claims Asserting a Secured Status as it Pertains to the Claim Filed by JOHN DUTKIN [DE 5711]

1/22/2008

1/31/2008 Supplemental Brief Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 5768]

2/01/2008 Deadline Set/Terminated Motion for Exceptional Circumstances due by 2/11/2008 [DE 5770]

2/08/2008 Supplemental Brief *in Support of Eighth Omnibus Objection to Claims Asserting a Secured Status as that Objection Pertains to the Dutkin Claim* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5804]

Status: The sole remaining issue relates to the secured claim filed by Dutkin. That issue is fully briefed and ready to be argued to the Court

7. **Status Hearing Re: Eighth Omnibus Objection (*Pertaining to Claim filed by John Dutkin*)** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3147]

Response Filed: Response with Certificate of Service Filed by GEORGE D
4/19/2007 FRAME on behalf of JOHN DUTKIN [DE 3512]

Related Event: Order Sustaining Eighth Omnibus Objection of the USACM
6/29/2007 LIQUIDATING TRUST to Claims Asserting Secured Status [DE
4079]

Related Filings: Motion for Summary Judgment Regarding (1) Responses To The
7/30/2007 USACM Trust's First Through Thirty-Third Omnibus Objections
To Claims Asserting A Secured Status; (2) Responses to USACM
Trust's First Through Third Omnibus Objections to Claims
Asserting A Priority Status; and (3); Newly Alleged Secured And
Priority Claims Filed by ROB CHARLES on behalf of USACM
LIQUIDATING TRUST [DE 4291]

Response Filed: Response with Certificate of Service & *Objection of USA*
8/17/07 *COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN*
TRUST Asserting Secured Status Filed by GEORGE D FRAME
on behalf of JOHN DUTKIN [DE 4628]

Related Event: Order Requiring Supplemental Briefing on the USACM TRUST's
1/22/2008 Eighth Omnibus Objection to Claims Asserting a Secured Status
as it Pertains to the Claim Filed by JOHN DUTKIN [DE 5711]

1/31/2008 Supplemental Brief Filed by GEORGE D FRAME on behalf of
JOHN DUTKIN [DE 5768]

2/01/2008 Deadline Set/Terminated Motion for Exceptional Circumstances
due by 2/11/2008 [DE 5770]

2/8/2008 Supplemental Brief *in Support of Eighth Omnibus Objection to*
Claims Asserting a Secured Status as that Objection Pertains to
the Dutkin Claim Filed by ROB CHARLES on behalf of USACM
LIQUIDATING TRUST [DE 5804]

Status: Hearing continued from 4/26/2007; 6/15/2007; 12/14/2007; and
12/20/2007. The sole remaining issue relates to the secured claim
filed by Dutkin. That issue is fully briefed and ready to be argued
to the Court

8. **Objection to Claim 791, 793, and 794 of PENSION BENEFIT**
GUARANTY CORPORATION filed by LENARD E. SCHWARTZER on behalf of
USA COMMERCIAL MORTGAGE COMPANY [DE 2978]

1 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Pension
2 4/18/2007 Benefit Guaranty Corporation; USA Capital Realty Advisors,
3 LLC; USA Securities, LLC; and USA Commercial Mortgage
4 Company *Continuing Hearing on Objection* Filed by ROB
CHARLES on behalf of USACM LIQUIDATING TRUST [DE
3486]

5 **Related Event:** Order Approving Stipulation to Continue the Hearing on
6 4/23/2007 Objection to Proofs of Claim Filed by PENSION BENEFIT
GUARANTY CORPORATION [DE 3521]

7 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Pension
8 6/11/2007 Benefit Guaranty Corporation *Continuing Hearing on Objection*
9 Filed by ROB CHARLES on behalf of USACM LIQUIDATING
TRUST [DE 3944]

10 **Related Event:** Order Approving Stipulation to Continue the Hearing on
11 6/12/2007 Objection to Proofs of Claim Filed by PENSION BENEFIT
GUARANTY CORPORATION [DE 3962]

12 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
13 10/11/2007 Pension Benefit Guaranty Corporation *Continuing Hearing on*
14 *Objections* Filed by ROB CHARLES on behalf of USACM
LIQUIDATING TRUST [DE 4963]

15 **Related Event:** Order Approving Stipulation to Continue the Hearing on
16 10/12/2007 Objections to Proofs of Claim and Amended Proofs of Claim
17 Filed by PENSION BENEFIT GUARANTY CORPORATION
[DE 4980]

18 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
19 11/30/2007 Pension Benefit Guaranty Corporation *Continuing Hearing on*
20 *Objections* Filed by ROB CHARLES on behalf of USACM
LIQUIDATING TRUST [DE 5420]

21 **Related Event:** Order Approving Stipulation Continuing Hearing on Objections to
22 12/05/2007 Proofs of Claim and Amended Proofs of Claim Filed by
PENSION BENEFIT GUARANTY CORPORATION [DE 5441]

23 1/10/2008 *Joint Statement of Issues on Objections to Proofs of Claim and*
24 *Amended Proofs of Claim Filed by Pension Benefit Guaranty*
25 *Corporation* Filed by ROB CHARLES on behalf of USACM
26 LIQUIDATING TRUST [DE 5629]

Stipulation Filed: 1/15/2008 Agreed Stipulation By PENSION BENEFIT GUARANTY CORPORATION and USACM Liquidating Trust /*Stipulation Continuing Hearing on Objections* Filed by FRANK A. ANDERSON on behalf of PENSION BENEFIT GUARANTY CORPORATION [DE 5659]

Related Event: 1/16/2008 Order Approving Stipulation Continuing Hearing on Objections of the USACM LIQUIDATING TRUST to PBGC's Proofs of Claim [DE 5678]

2/15/2008 Request for Settlement Conference on Objections of the USACM Liquidating Trust to PBGC Proofs of Claim Filed by FRANK A. ANDERSON on behalf of PENSION BENEFIT GUARANTY CORPORATION [5857]

2/19/2008 Response by USACM Liquidating Trust to Request for Settlement Conference on Objections of the USACM Liquidating Trust to PBGC Proofs of Claim [filing today]

Status: Hearing Continued from 4/26/2007; 6/15/2007; 10/15/2007; 12/14/2007; and 1/24/2008. These matters are ready for decision by the Court unless the Court is inclined to consider the PBGC's request for a settlement conference.

9. **Objection of the USACM Liquidating Trust to Claim Amended 10725-00791, 793, and 794 of Pension Benefit Guaranty Corporation Filed by the Pension Benefit Guaranty Corporation** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4728]

Opposition Filed: None

Stipulation Filed: 10/11/2007 Stipulation Continuing hearing on Objections to Proofs of Claim and Amended Proofs of Claim filed by Pension Benefit Guaranty Corporation [DE 4963]

Related Event: 10/12/2007 Order Approving Stipulation to Continue the Hearing on Objections to Proofs of Claim and Amended Proofs of Claim Filed by PENSION BENEFIT GUARANTY CORPORATION [DE 4980]

Response Filed: 11/01/2007 Response of the Pension Benefit Guaranty Corporation to Objections of the USACM Liquidating Trust to PBGC Proofs of Claim Filed by FRANK A. ANDERSON on behalf of PENSION BENEFIT GUARANTY CORPORATION [DE 5213]

Reply Filed: 11/21/2007 Reply with Certificate of Service of the *USACM Liquidating Trust in Support of Objections to Proofs of Claim Filed by the Pension Benefit Guaranty Corporation* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5404]

Stipulation Filed: 11/30/2007 Stipulation By USACM LIQUIDATING TRUST and Between Pension Benefit Guaranty Corporation *Continuing Hearing on Objections and Proofs of Claim and Amended Proofs of Claim filed by Pension Benefit Guaranty Corporation* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5420]

Related Event: 12/05/2007 Order Approving Stipulation Continuing Hearing on Objections to Proofs of Claim and Amended Proofs of Claim Filed by PENSION BENEFIT GUARANTY CORPORATION [DE 5441]

1/10/2008 *Joint Statement of Issues on Objections to Proofs of Claim and Amended Proofs of Claim Filed by Pension Benefit Guaranty Corporation* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5629]

1/15/2008 Agreed Stipulation By PENSION BENEFIT GUARANTY CORPORATION and Between USACM Liquidating Trust *Stipulation Continuing Hearing on Objections of the USACM Liquidating Trust to PBGC's Proofs of Claim.* Filed by FRANK A. ANDERSON on behalf of PENSION BENEFIT GUARANTY CORPORATION [DE 5659]

1/16/2008 Order Approving Stipulation Continuing Hearing on Objections of the USACM LIQUIDATING TRUST to PBGC's Proofs of Claim [DE 5678]

2/15/2008 Request for Settlement Conference on Objections of the USACM Liquidating Trust to PBGC Proofs of Claim Filed by FRANK A. ANDERSON on behalf of PENSION BENEFIT GUARANTY CORPORATION [5857]

2/19/2008 Response by USACM Liquidating Trust to Request for Settlement Conference on Objections of the USACM Liquidating Trust to PBGC Proofs of Claim [filing today]

Status: Hearing Continued from 10/15/2007; 12/14/2007; and 1/28/2008. These matters are ready for decision by the Court unless the Court is inclined to consider the PBGC's request for a settlement conference.



10. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in the Riviera -- Homes for America Holding Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5618]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the Riviera -- Homes for America Holding* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5616]

Status:

11. ***Second Omnibus Objection to proofs of Claim Based in Whole or In Part, Upon Investment in the Riviera--Homes for America Holding Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5621]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the Riviera -- Homes for America Holding* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5616]

Status:

12. ***Third Omnibus Objection to Proofs of Claim Based, In Whole or In Part, Upon Investment in the Riviera--Homes for America Holding Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5626]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the Riviera -- Homes for America Holding* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5616]

Status:

13. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in the Homes for America Holding, LLC--Riviera 2nd Deed of Trust Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5637]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the Homes for America Holding, LLC--Riviera 2nd Deed of Trust Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5636]

Status:

14. ***Second Omnibus Objection to Proofs of Claim Based, In Whole or in Part, Upon Investment in the Homes for America Holding, LLC--Riviera 2nd Deed of Trust Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5650]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the Homes for America Holding, LLC--Riviera 2nd Deed of Trust Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5636]

Status:

15. ***Third Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Homes for America Holding, LLC--Riviera 2nd Deed of Trust Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5653]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the Homes for America Holding, LLC--Riviera 2nd Deed of Trust Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5636]

Status:

16. ***First Omnibus Objection Based, in Whole or in Part, Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5685]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan; and Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5684]

Status:

17. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5687]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan; and Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5684]

Status:

18. ***Third Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5689]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan; and Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5684]

Response Filed: Response to Objection of USACM Trust to Proofs of Claim Based upon Investment in the One Point Street, LLC-HFA North Yonkers Loan, filed by D.G. Menchetti on behalf of D.G. Menchetti Pension Plan [DE 5821]

Status:

19. ***Fourth Omnibus Objection to Proofs of Claim Based, In Whole or In Part, Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5692]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan; and Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5684]

Status:

20. ***Fifth Omnibus Objection to Proofs of Claim Based, In Whole or In Part, Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5694]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan; and Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5684]

Status:

21. ***Sixth Omnibus Objection to Proofs of Claim Based, In Whole or In Part, Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5696]

Opposition Filed: None

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan; and Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5684]

Status:

22. ***Seventh Omnibus Objection to Proofs of Claim Based, In Whole or In Part, Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5698]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan; and Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5684]

Objection Filed: Objection of VOSS FAMILY TRUST to Reduce Claim (In Conjunction with Seventh Omnibus Objection of USACM TRUST to Proofs of Claim Based, in Whole or in Part, Upon Investment in the ONE POINT STREET, LLC - HFA NORTH YONKERS Loan Filed by VOSS FAMILY TRUST [DE 5753]

Related event: *Withdrawal of Seventh Omnibus Objection to Proofs of Claim Based Upon Investment in the One Point Street, LLC -- HFA North Yonkers Loan as it Relates to the Voss Family Trust Claim Only* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5800]

Status:

23. ***Eighth Omnibus Objection to Proofs of Claim Based Upon Investment in the One Point Street, LLC--HFA North Yonkers Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5700]

Opposition Filed: None

1 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
2 1/18/2008 *Objections to Proofs of Claim Based Upon Investment in the One*
3 *Point Street, LLC -- HFA North Yonkers Loan; and Certificate of*
4 *Service* Filed by ROB CHARLES on behalf of USACM
LIQUIDATING TRUST [DE 5684]

5 **Status:**

6 24. **Motion to Compel Production of Documents by WELLS FARGO** Filed by
7 ERIC D MADDEN on behalf of USACM LIQUIDATING TRUST [DE 5782]

8 **Related Motion:** Ex Parte Motion for Order Shortening Time *to Hear USACM*
9 2/05/2008 *LIQUIDATING TRUST'S Motion to Compel Production of*
Documents by Wells Fargo Filed by ERIC D MADDEN on behalf
10 of USACM LIQUIDATING TRUST [DE 5788]

11 **Related Event:** Attorney Information Sheet Filed by ERIC D MADDEN on
12 2/05/2008 behalf of USACM LIQUIDATING TRUST [DE 5789]

13 2/07/2008 Order Shortening Time to Hear USACM LIQUIDATING
14 TURST'S Motion to Compel Production of Documents by
WELLS FARGO [DE 5798]

15 **Opposition Filed:** Opposition with Certificate of Service Filed by KENT F.
16 2/15/2008 LARSEN on behalf of WELLS FARGO BANK OF NEVADA
AND WELLS FARGO BANK [DE 5858]

17 **Status:**

18 25. **Thirteenth Omnibus Objection of the USACM Liquidating Trust to Proofs**
19 **of Claim for Lack of Documentation** filed by ROB CHARLES on behalf of USACM
LIQUIDATING TRUST [DE 5580]

20 **Opposition Filed:** None

21 **Status:**

22 26. **Fifteenth Omnibus Objection of the USACM Liquidating Trust to Proofs**
23 **of Claim for Lack of Documentation** filed by ROB CHARLES on behalf of USACM
LIQUIDATING TRUST [DE 5582]

24 **Opposition Filed:** None

25 **Status:**



27. *Sixteenth Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5602]

Opposition Filed: None

Related Filing: Notice of Errata Re Sixteenth Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation
1/09/2008 Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6511]

Status:

28. *Fourteenth Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5587]

Opposition Filed: None

Status:

29. *Seventeenth Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5589]

Opposition Filed: None

Status:

30. *Eighteenth Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5591]

Opposition Filed: None

Status:

[Non-USACM agenda items Nos. 31-37 heard]

38. **Motion to Compel *HOMES FOR AMERICA HOLDINGS, INC.; ONE POINT STREET, INC.; COLT GATEWAY, LLC; HFAH CLEAR LAKE, LLC; ST. TROPEZ-HOMES FOR AMERICA HOLDINGS, LLC F/K/A RIVIERA-HFAH, LLC; ST. CHARLES TOWNHOMES PARTNERS, LP; BEAU RIVAGE HOMES FOR AMERICA, LLC; ST. CHARLES HOMES FOR AMERICA, INC.; RIVIERA-HOMES FOR AMERICA HOLDINGS, LLC F/K/A ST. RAPHAEL-HOMES FOR AMERICA, LLC; AND MEDITERRANEE-HFA, LLC F/K/A HFAH-MONACO, LLC* to Comply with Subpoenas for Production of Documents** Filed by MICHAEL YODER on behalf of USACM LIQUIDATING TRUST [DE 5823]

Opposition Filed: None

Related Events: Ex Parte Motion for Order Shortening Time *With Certificate Of Service* Filed by MICHAEL YODER on behalf of USACM LIQUIDATING TRUST[DE 5824]

2/12/2008 Attorney Information Sheet Filed by MICHAEL YODER on behalf of USACM LIQUIDATING TRUST [DE 5826]

2/14/2008 Order Shortening Time to hear USACM Liquidating Trust's Motion to Compel HOMES FOR AMERICA HOLDINGS, INC. ("HFAH"); ONE POINT STREET, INC.; COLT GATEWAY, LLC; HFAH CLEAR LAKE, LLC; ST. TROPEZ-HOMES FOR AMERICA HOLDINGS, LLC F/K/A RIVIERA-HFAH, LLC; ST. CHARLES TOWNHOMES PARTNERS, LP; BEAU RIVAGE HOMES FOR AMERICA, LLC; ST. CHARLES HOMES FOR AMERICA, INC.; RIVIERA-HOMES FOR AMERICA HOLDINGS, LLC F/K/A ST. RAPHAEL-HOMES FOR AMERICA, LLC; AND MEDITERRANEE-HFA, LLC F/K/A HFAH-MONACO, LLC to Comply with Subpoenas for Production of Documents. (Related document(s) [5824]). Hearing scheduled 2/21/2008 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg [DE 5846]

Status

1:30 p.m. [Non-USACM Agenda Items Nos. 1-2 heard]

3. Adv. 07-01154-lbr, USACM Liquidating Trust v. JMK Investments, Ltd., et al., **Status Hearing Re: First Amended Complaint and Request for Declaratory Relief** Filed by ERIC D MADDEN on behalf of USACM LIQUIDATING TRUST against all defendants [DE 50]

Answer Filed: Answer to Amended Complaint Filed by DAVID A. COLVIN on behalf of ALABRUJ LIMITED PARTNERSHIP, et al. [DE 55]
10/25/2007

Status: The Court originally set this status conference to consider any renewed Motion to Dismiss JMK may have filed following the Court's order granting Plaintiff leave to file the second amended complaint. JMK did not, however, file a motion to dismiss but instead filed a substantive answer to the Second Amended Complaint. As a result, Plaintiffs intend to use this status conference to update the Court as to the status of discovery and preparations for mediation before Judge Markell on March 11, 2008.

4. Adv. 07-01154-lbr, USACM Liquidating Trust v. JMK Investments, Ltd., et al., **Status Hearing Re: Order on Motion of J.M.K. INVESTMENTS to Dismiss Pursuant to Rule 12(B)(6)** [DE 79]

Related Motion: Motion to Dismiss *by JMK Investments pursuant to Rule 12(b)(6);* 10/19/2007 *Memorandum of Points and Authorities* Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD [DE 47]

Response Filed: Response Filed by STEPHEN T LODEN on behalf of USACM 11/05/2007 LIQUIDATING TRUST (Related document(s)[47](#) Motion to Dismiss filed by Defendant J.M.K. INVESTMENTS, LTD..) [DE 59]

Stipulation Filed: Stipulation By J.M.K. INVESTMENTS, LTD. and Between 11/09/2007 Plaintiff USACM Liquidating Trust *Designating Pending Motion to Dismiss as Motion to Dismiss First Amended Complaint* Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD. [DE 61]

Related Event: Order on Stipulation Designating Pending Motion to Dismiss as 11/13/2007 Motion to Dismiss First Amended Complaint [DE 63]

Reply Filed: Reply *Memorandum in Support of J.M.K.'s Motion to Dismiss* 11/28/2007 Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD [DE 64]

Related Event: Order on Motion of J.M.K. INVESTMENTS to Dismiss Pursuant 2/07/2008 to Rule 12(B)(6) [DE 115]

Status: The Court originally set this hearing to consider any renewed Motion to Dismiss JMK may have filed following the Court's order granting Plaintiff leave to file the second amended complaint. JMK did not, however, file a motion to dismiss but instead filed a substantive answer to the Second Amended Complaint. As a result, Plaintiffs intend to use this conference to update the Court as to the status of discovery and preparations for mediation before Judge Markell on March 11, 2008.

5. Adv. 07-01154-lbr, USACM Liquidating Trust v. JMK Investments, Ltd., et al., **Status Hearing Re: Motion to Amend Motion for Leave to File Second Amended Complaint** Filed by STEPHEN T LODEN on behalf of USACM LIQUIDATING TRUST [DE 75]

Opposition Filed: 1/03/2008 Opposition with Certificate of Service to Plaintiff USACM LIQUIDATING TRUST'S Motion for Leave to File Second Amended Complaint Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD [DE 81]

Reply Filed: 1/15/2008 Reply with Certificate of Service Reply in Support of Plaintiff's Motion for Leave to File Second Amended Complaint Filed by STEPHEN T LODEN on behalf of USACM LIQUIDATING TRUST [DE 92]

Related Event: 1/25/2008 Second Amended Complaint and Request for Declaratory Relief Filed by STEPHEN T LODEN on behalf of USACM LIQUIDATING TRUST against all defendants [DE 98]

Answer Filed: 2/04/2008 Answer to Second Amended Complaint filed by J.M.K. INVESTMENTS with Certificate of Service Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD. [DE 112]

Related Event: 2/04/2008 Order on Plaintiff's Motion for Leave To File Second Amended Complaint [DE 113]

Answer Filed:

2/14/2008

Answer to *Second* Amended Complaint (Related Doc # [98]) Filed by DAVID A. COLVIN on behalf of ALABRUJ LIMITED PARTNERSHIP, RONI AMID, AURORA INVESTMENTS LP, BROUWERS FAMILY LP, FIRST SAVINGS BANK FBO VALLIERA MCGUIRE, FRANCIS FAMILY TRUST, LINDA JANOVITCH, STEVEN JANOVITCH, LARRY C JOHNS, MARY L JOHNS, JWB INVESTMENTS, INC., JENNIFER MIDDLETON, LARRY J MIDDLETON, MORNINGSIDE HOMES, INC., PAUL BLOCH LIVING TRUST, ROBERT M PORTNOFF, SARAH PORTNOFF, STEVEN PORTNOFF, SIMON FAMILY TRUST, THE MARVIN & VALLIERA MYERS TRUST [DE 117]

Status:

The Court originally set this hearing to consider any renewed Motion to Dismiss JMK may have filed following the Court's order granting Plaintiff leave to file the second amended complaint. JMK did not, however, file a motion to dismiss but instead filed a substantive answer to the Second Amended Complaint. As a result, Plaintiffs intend to use this conference to update the Court as to the status of discovery and preparations for mediation before Judge Markell on March 11, 2008.

DATED: February 19, 2008.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

Rob Charles, NV 6593

John Hinderaker, AZ 18024

Counsel for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail on February 19, 2008 to the parties listed on Post-Effective Official Service List for Limited Notice No. 4 Dated January 8, 2008.

/s/ Christine E Laurel

Christine E Laurel

Lewis and Roca LLP